Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006

Message Text

PAGE 01 STATE 166992

46/54
ORIGIN L-03

INFO OCT-01 EUR-12 ISO-00 OES-06 JUSE-00 INT-05 SSO-00

TRSE-00 /027 R

66011
DRAFTED BY L/OES/JUBAILLY/SCH
APPROVED BY L/OES-RJBETTAUER
L-FELDMAN
RASHKOW-USTICE
EUR/AAN-ROUSE
ELLIOT-INTERIOR(INFO)
---------- 043598
O 062140Z JUL 76
FM SECSTATE WASHDC
TO AMEMBASSY OTTAWA

LIMITED OFFICIAL USE STATE 166992

C O R R E C T E D C O P Y (PARA 7 SUBPARAS A, B, C, AND D
OMIT LINES ORIG XMIT)

E.O. 11652: GDS

TAGS: SENV, PGOV, CA

SUBJECT: BEAUFORT SEA: PROPOSED GOC LIABILITY ARRANGE-
MENTS

REF: (A) OTTAWA 2547 (B) WANG/FELDMAN TELCON 7/6/76

1) FOLLOWING U.S./CANADIAN LIABILITY DISCUSSIONS IN
OTTAWA ON JUNE 11, 1976, GOC FORWARDED CONTRACT CONTAINED IN
REFTEL. A FURTHER MEETING ON THIS ISSUE HAS BEEN SCHEDULED
FOR JULY 22 IN WASHINGTON.

2) DIRECTOR, LEGAL OPERATIONS DIVISION, DEPARTMENT OF
EXTERNAL AFFAIRS, HAS ADVISED DEPUTY LEGAL ADVISER FELDMAN
LIMITED OFFICIAL USE
LIMITED OFFICIAL USE

PAGE 02 STATE 166992

THAT GOC INTERAGENCY MEETING TO DISCUSS THE PROPOSED LIA-
BILITY ARRANGEMENTS IS SCHEDULEDOR WEDNESDAY, JULY 7. A
MEETING WITH DOME IS SCHEDULED FOR THURSDAY, JULY 8.

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006

3) REF TELCON, EMBASSY IS REQUESTED, BEFORE GOC MEETINGS ON JULY 7 AND 8, TO RAISE THE FOLLOWING POINTS WITH DEPARTMENT EXTERNAL AFFAIRS WHICH SHOULD BE BORNE IN MIND IN UPCOMING INTERAGENCY AND DOME MEETINGS.

4) AMOUNT OF FUND. U.S. QUESTIONS ADEQUACY OF PROPOSED $10 MILLION FUND, PARTICULARLY SINCE WE UNDERSTAND THAT UNDER PROVISIONS OF ARCTIC WATERS POLLUTION PREVENTION ACT, INSURANCE FUND OF $40 MILLION WILL BE AVAILABLE TO CANADIAN CLAIMANTS. U.S. URGES THAT EITHER U.S. FUND BE REVISED UPWARD TO $40 MILLION OR UNDIVIDED FUND BE MADE AVAILABLE TO U.S. AND CANADIAN CLAIMANTS IN PROPORTION TO ACTUAL DAMAGES SUFFERED, IN ORDER TO AFFORD NON-DISCRIMINATORY TREATMENT TO U.S. AND CANADIAN CLAIMANTS.

5) BOUNDARY ISSUE. PARA. 2 OF AGREEMENT REFTEL REFERS TO DAMAGES "WEST OF THE 141ST MERIDIAN LONGITUDE." U.S. HOPES GOC WILL AGREE TO A MORE NEUTRAL FORMULATION, IN ORDER TO AVOID PREJUDICE TO BOUNDARY NEGOTIATIONS.

6) USG WOULD APPRECIATE CLARIFICATION OF RIGHT OF SURETY TO RESIST PAYMENT DEMANDED BY GOC AND WHETHER IT IS POSSIBLE TO LIMIT RECOURSE TO JUDICIARY TO SPECIFIC CIRCUMSTANCES ENUMERATED IN PARAGRAPH 6(1) OF AGREEMENT.

7) SPECIFIC QUESTIONS ON AGREEMENT CONTAINED REFTEL.
(A) "OPERATOR" IS NOT DEFINED IN THE AGREEMENT.

(B) IN PARA. 2, THE TERM "PERSON" APPEARS TOO NARROWLY DEFINED; IT SHOULD INCLUDE POLITICAL SUBDIVISIONS OF STATE OF ALASKA AND SHOULD NOT BE LIMITED TO ENTITIES "RESIDING IN THE STATE OF ALASKA OR THE WATERS ADJACENT TO THE NORTH COAST THEREOF."

(C) USG FEELS THAT PHRASE IN PARA 2(C), "ALL ACTUAL LOSS, INJURY OR DAMAGE INCURRED OR SUFFERED" SHOULD BE GIVEN A BROAD APPLICATION; IN ANY
LIMITED OFFICIAL USE
LIMITED OFFICIAL USE

EVENT, IT SHOULD BE NO MORE LIITED THAN DAMAGE PROVISIONS UNDER THE ACT. IN THIS REGARD, IN PARA. 4 OF AGREEMENT, AND IN FIRST PARA. OF BOND, DOES THE WORD "CERTAIN" BEFORE THE TERMS "LOSSES, DAMAGES, INJURIES, COSTS AND EXPENSES; AND "CLAIMS FOR COMPENSATION" QUALIFY THEIR APPLICATION IN ANY WAY?

(D) USG FEELS THAT TIME LIMITATION PROCEDURES OF PARAGRAPH 2 MAY PERMIT CLAIMS TO BE BROUGHT DURING A VERY OPNENDED PERIOD. IN VIEW OF THIS, INSERTION OF AN OUTER LIMIT OF TIME MAY BE DESIRABLE.

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006

(E) WE HAVE NOT YET BEEN PROVIDED WITH A COPY OF
THE "LAWS AND RULES OF PRACTICE AND PROCEDURE ESTABLISHED
BY THE NORTHWEST TERRITORIES IN RESPECT OF ARBITRATION
PROCEEDINGS" REFERRED TO IN PARAGRAPH 5. WE WOULD OBJECT
IF THESE RULES IN ANY WAY RESTRICTED COVERAGE FOR DAMAGE
CLAIMS, NATIONALITY OF THE ARBITRATORS, FORUM OF THE
ARBITRATION, ETC.

8) THE FOREGOING QUESTIONS ARE NOT EXHAUSTIVE;
MORE DETAILED AND ADDITIONAL QUESTIONS WILL BE RAISED IN THE
COURSE OF FUTURE MEETINGS. ROBINSON
UNQUOTE KISSINGER

LIMITED OFFICIAL USE

<< END OF DOCUMENT >>

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006

Message Attributes

Automatic Decaptioning: X
Capture Date: 15 SEP 1999
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LAW OF THE SEA, OFFSHORE DRILLING, AGREEMENT DRAFT, INSURANCE, BEAUFORT SEA
Control Number: n/a
Copy: SINGLE
Draft Date: 06 JUL 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: ellisoob
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976STATE166992
Document Source: ADS
Document Unique ID: 00
Drafter: L/OES/JUBAILLY/SCH
Enclosure: n/a
Executive Order: 11652 GDS
Errors: n/a
Film Number: D760261-1160
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t197607109/baaaepfz.tel
Line Count: 123
Locator: TEXT ON-LINE, TEXT ON MICROFILM
Office: ORIGIN L
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: ellisoob
Review Comment: n/a
Review Content Flags:
Review Date: 12 APR 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <12 APR 2004 by greeneet>; APPROVED <18 AUG 2004 by ellisoob>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: BEAUFORT SEA: PROPOSED GOC LIABILITY ARRANGE-
TAGS: SENV, PGOV, CA, US
To: OTTAWA
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006